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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yakov Kamen

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2623

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 09/997,336	<b>Applicant(s)</b> KAMEN ET AL.	
	<b>Examiner</b> MICHAEL VAN HANDEL	<b>Art Unit</b> 2623	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Chris Kelley/  
Supervisory Patent Examiner, Art Unit 2623

Continuation of 11. Regarding claims 1, 9, and 17, the applicant argues that Davis et al. does not disclose determining at least two meaningful words in a program title and determining a less descriptive word from the at least two meaningful words based on a frequency that each of the at least two meaningful words appear in a database. The examiner respectfully disagrees. As noted in the Office Action mailed 11/27/2007, Davis et al. discloses an interactive computer program used to edit program listings data (col. 17, l. 44-46). A data processor determines how much space is required to display a title based on its character length (col. 18, l. 1-3). If the data processor determines that a full title requires too much space to fit into one or more grid cells and if the title has not been previously edited, the title is presented to an editor using a display device connected to the data processor. The editor is then queried to alter the title, so that it will fit in the allotted space (col. 18, l. 12-21). Figure 11a clearly illustrates that the editor found the words "BEST," "SHOW," and "TODAY," as being meaningful for display, but in reduced 60 and 30 minute grid slots found the words "BEST" and "SHOW" as being more meaningful than the word "TODAY." The edits are then stored in a library of shortened titles (col. 18, l. 35-43; col. 19, l. 38-43; & Figs. 10A, 11a, 11b). The examiner interprets this as "determining at least two meaningful words in a program title of an electronic program guide," as currently claimed. Davis et al. further discloses that the next time the program title needs to be shortened, the data processor will edit it automatically based on the shortened title in the database (col. 18, l. 35-45). Since a word that appears in the shortened title has a greater frequency than one that does not, and will thus be used in the edited version, the examiner interprets this as "determining a less descriptive word from the at least two meaningful words based on a frequency that each of the at least two meaningful words appear in a database," as currently claimed. The examiner acknowledges the applicant's argument that Davis et al. merely describes determining words for use in a shortening of a title based on comparing the title to be shortened with a list of shortened titles; however, the examiner notes that the words used in the edited display are the words found in the shortened title. In the example of Figure 11a, for instance, the word "SHOW" would be present in the library for a 60 minute timeslot, while the word "TODAY" would not. As a result, the word "SHOW" would appear in the edited 60 minute grid cell, while the word "TODAY" would not. That is, the word "SHOW" appears more frequently, because it appears once. The word "TODAY" appears less frequently, because it does not appear. As such, the examiner maintains that Davis et al. discloses "determining a less descriptive word from the at least two meaningful words based on a frequency that each of the at least two meaningful words appear in a database," as currently claimed.

Further regarding claims 1, 9, and 17, the applicant argues that there is no teaching or suggestion in Davis et al. that a descriptiveness of a word is determined based on the frequency of the word in a database as compared to another word. The examiner respectfully disagrees. Davis et al. discloses a text fit processor 115 that provides a computer system for editing program schedule listings descriptions, so that they fit in different size display cells (col. 5, l. 44-47). Davis et al. discloses that the program listings information to be edited includes descriptive material, such as program titles (col. 17, l. 43-53). Davis et al. was motivated to provide a text fit editor, because simply cutting off the description of a program without abbreviating it in any way causes the user to be unable to determine the subject matter of the program (col. 2, l. 13-17). Since the words of a program title serve as a description of program content, the examiner notes that those words that continue to be used to describe the program of Figure 11a in the smaller cells are more descriptive. For example, the words "BEST" and "SHOW" are more descriptive than the words "THE" and "TODAY," because they function to describe the program even in the 30 minute time slot. That is, when editing the title "THE BEST SHOW ON EARTH TODAY," the words "BEST" and "SHOW" are clearly more descriptive than the other words in the title, because they appear in the 30, 60, and 90 minute cells and thus function to describe the program in each of these cells. Since a word that describes a program is more descriptive of the program than a word that does not, finding a word in a shortened title of the program indicates that the word is more descriptive than a word that does not appear in the shortened title. As such, the examiner maintains that Davis et al. meets the limitation of "determining a less descriptive word from the at least two meaningful words based on a frequency that each of the at least two meaningful words appear in a database," as currently claimed.